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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,593	06/05/2001	Takeshi Suzuki	01340/LH	5464
1933	7590	04/06/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			RAHIMI, IRAJ A	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,593

Applicant(s)

SUZUKI, TAKESHI

Examiner

(Iraj) Alan Rahimi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3, 4 and 7 is/are allowed.
- 6) ☒ Claim(s) 2, 5, 6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

Instant application was filed on September 27, 2001, which is greater than one year from the date of the Japanese priority document 2000-170676 dated June 7, 2000.

### ***Response to Amendment***

2. In papers filed on January 17, 2006 applicant amended claims 2, and 6-8.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 2-8 have been considered but are moot in view of the new ground(s) of rejection. This action is Non-Final.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (US patent 6,115,137) in view of Hidaka (US patent 6,411,361).

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Regarding claim 2, Hidaka discloses a printer apparatus for printing an image based on image data of a captured image, the apparatus comprising:

imaging condition detection means for detecting an imaging condition of the captured image (HQ or HS mode; column 6, lines 33-65);

pre-print process means for performing a pre-print process for the image data of the captured image in accordance with the imaging condition (column 7, lines 39-44); and

print means for printing the image based on the image data processed by the pre-print process means (column 7, lines 39-44);

wherein the imaging condition detection means detects the imaging condition based on information relating to the imaging condition, and the information relating to the imaging condition is added to the image data of the captured image (column 6, lines 37-65).

However, Ozawa does not disclose all of the steps above occurring in a printing apparatus since the printer and digital camera are physically separated although in communication with each other via infrared rays.

Hidaka, discloses a printer and a digital camera in one unitary design.

Ozawa and Hidaka are combinable because they are from the same field of endeavor that is image capturing and reproduction.

At the time of the invention, it would have been obvious to a person ordinary skill in the art to have the digital camera and printer combined.

The suggestion/motivation for doing so would have been to enlarge the image according to the size of printing paper available in the printer (abstract).

Therefore, it would have been obvious to combine Ozawa and Hidaka to obtain the invention as specified in claim 2.

Regarding claim 5, Ozawa discloses a printer apparatus for effecting printing based on image data of a captured image, the apparatus comprising:

imaging zoom detection means for detecting a condition of use of an imaging zoom used for the captured image (column 8, lines 35-49);

print zoom means for enlarging an image to be printed on a print film (column 8, lines 35-49); and

control means for limiting a magnification of the image to be printed on the print film, in accordance with the condition of use of the imaging zoom (column 8, lines 35-49).

Regarding claim 6, Hidaka discloses an electronic camera comprising the printer apparatus of claim 2; and

electronic imaging means for electronically capturing an image (camera 2),  
wherein the printer apparatus (printer 1) prints the image captured by the electronic imaging means.

Regarding claim 8, arguments analogous to those presented for claim 6, are presented.

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***Allowable Subject Matter***

6. Claims 3, 4 and 7 are allowed. The prior art does not teach or discloses removing noise in an image in accordance with the image sensitivity as described in the specification.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 571-272-7411.


The examiner can normally be reached on Mon.-Fri. 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



Alan Rahimi  
April 3, 2006

  
TWYLER LAMB  
PRIMARY EXAMINER

Supervisory Patent